



FREDERICK COUNTY PLANNING COMMISSION

August 11, 2021

TITLE: **IHOP/Dairy Queen- Lot C6, Linganore
Town Center South – Commercial
Retail Center**

FILE NUMBER: **SP01-05 (AP SP260627, APFO A260622,
FRO F260623)**

REQUEST: **Site Plan Approval**
The Applicant is requesting Site Plan approval to
construct a 7,805 sq ft Restaurant on a 1.76-acre Site.

PROJECT INFORMATION:

LOCATION: Located at the South Side of Old National Pike at
Eaglehead Drive
TAX MAP/PARCEL: Tax Map 79, Parcel 34
COMP. PLAN: Low Density Residential
ZONING: Planned Unit Development (PUD)
REGION: New Market Planning Region
WATER/SEWER: Water and Sewer Classification: W-4/S-4

APPLICANT/REPRESENTATIVES:

APPLICANT: B & R Design Group
OWNER: Dryden Investments, LLC
ENGINEER: B & R Design Group
ARCHITECT: Not Listed
ATTORNEY: Not Listed

STAFF: Cody Shaw, Principal Planner I

RECOMMENDATION: Conditional Approval

Enclosures:

Exhibit #1 - Site Plan Rendering
Exhibit #2 - Site Plan Modification Requests

STAFF REPORT

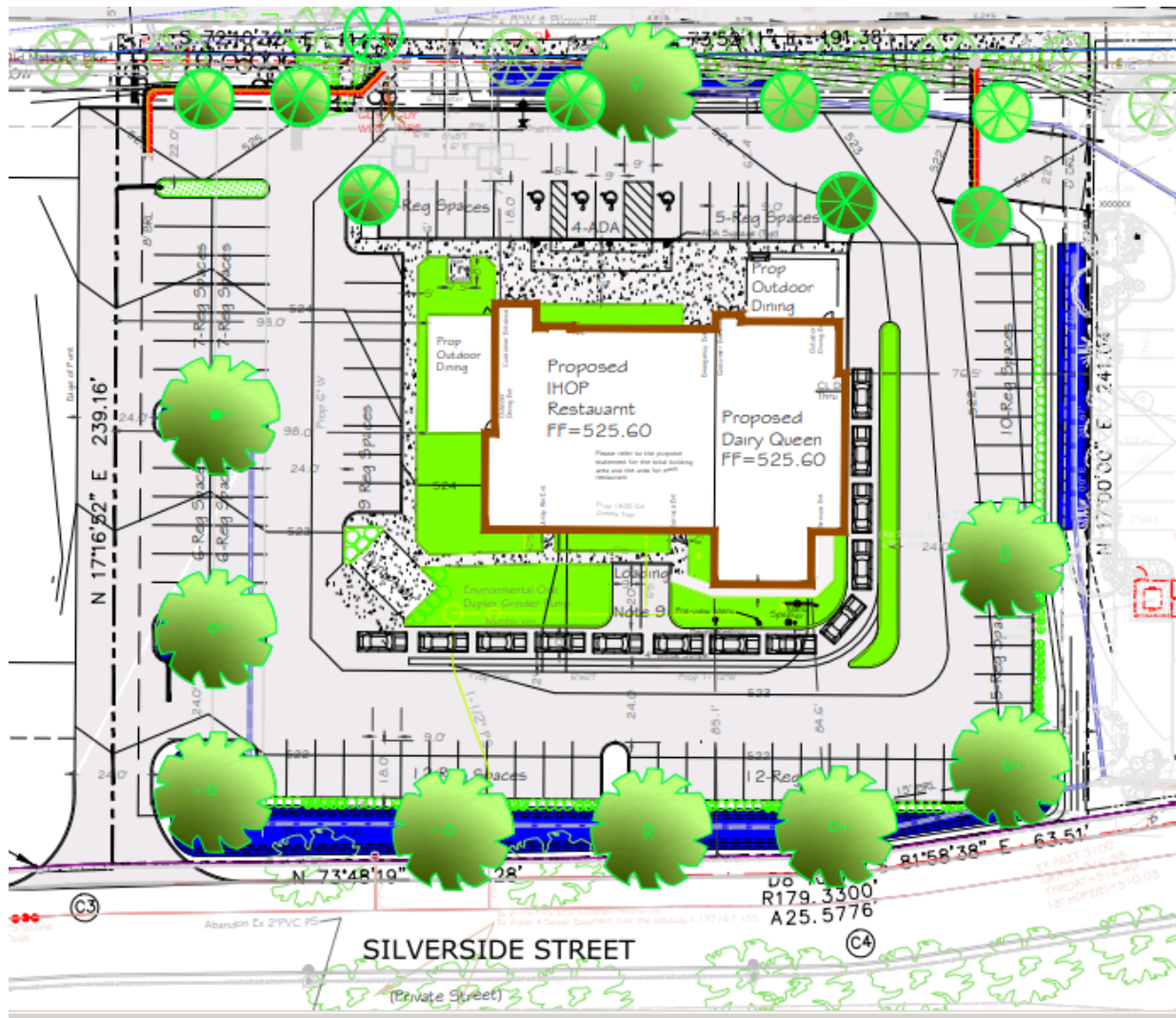
ISSUE

Development Request

The Applicant is requesting Site Plan approval to construct a 7,805 sq ft Restaurant on a 1.76-acre parcel. The Project is subject to the requirements of the Frederick County Code, specifically Section 1-19-3.300 through 1-19-3.300.4 for Site Development Plan Review. The request is being reviewed as a "Restaurant" use under the heading of *Commercial Business and Personal Services* per §1-19-5.310 Use Table in the Zoning Ordinance. The proposed use is located within the nine lot commercial subdivision for "Linganore Town Center – South Commercial Retail Center" Preliminary Plan (AP 19092) which was approved by the Frederick County Planning Commission on June 12, 2019, and subsequently revised for the August 11, 2021 Planning Commission meeting.

The Site is zoned 'PUD – Planned Unit Development' and the proposed use is being reviewed under §1-19-10.500 (Planned Development Districts) of the Zoning Ordinance.

Figure 1 – Illustrative Plan



LTC – South Commercial Lot C6 IHOP/Dairy Queen - Site Plan

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BACKGROUND

Development History

The subject property was included in a 2013 request for rezoning from Agricultural to Planned Unit Development (PUD), which added 39 acres in varying locations to the overall Linganore Planned Unit Development. Case R-12-0(A) was approved through Ordinance No. 14-17-672 on October 9, 2014 and applied PUD zoning to the subject property, with areas designated for commercial, institutional, and open space uses.

The Applicant later requested a preliminary subdivision plan for the development of nine (9) lots for commercial, institutional and retail uses on a 17.8-acre area described as Linganore Town Center – South Commercial Retail Center. This preliminary subdivision plan (AP 19092) was approved by the Frederick County Planning Commission on June 12, 2019. This plan has been revised (PP263961) and is being presented at the August 11, 2021 Frederick County Planning Commission meeting for reapproval. This revised Preliminary Plan proposes to combine Lots C7 and C8, alter the lot line between Lots C5 and C6, and other minor changes. The final plat for this lot will be submitted once the revised Preliminary Plan is approved.

Existing Site Characteristics

The 1.76-acre Site is located on the south side of Old National Pike (MD 144), on the east side of the roundabout at Eaglehead Drive. The subject Site is currently a vacant field.

Figure 2 – Site Aerial – Existing Conditions

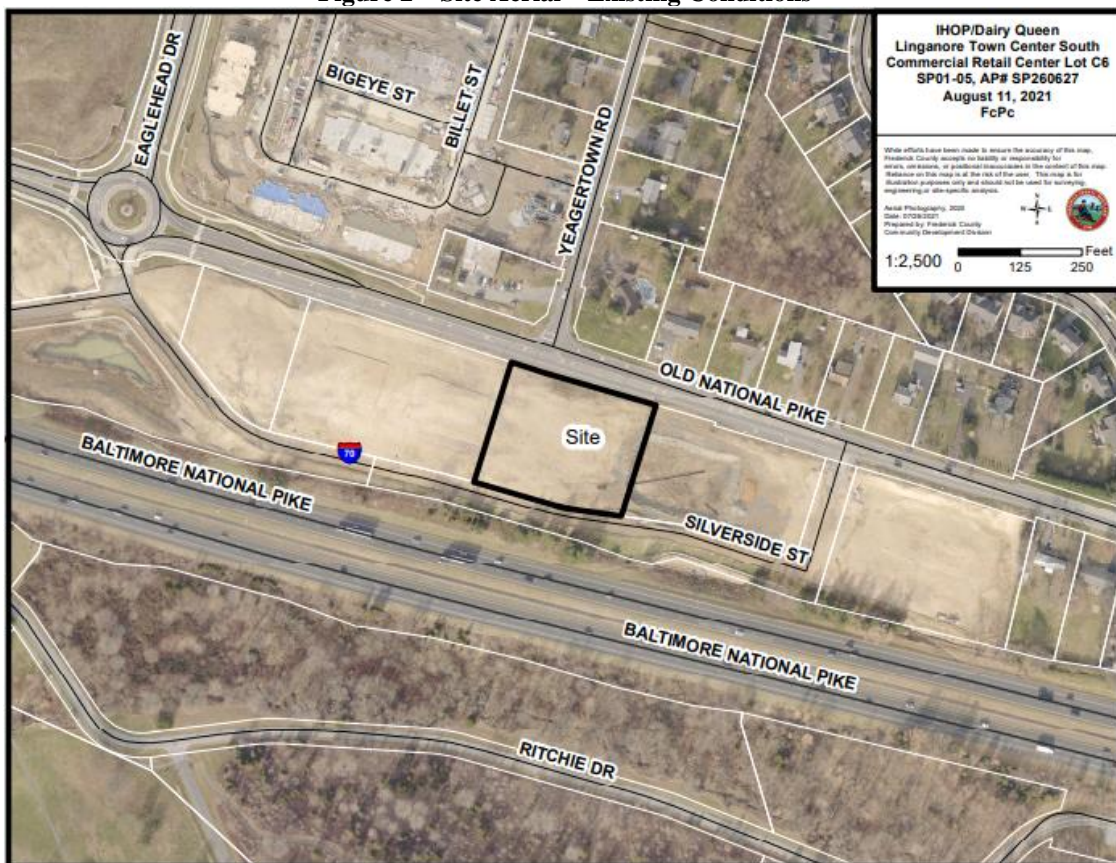
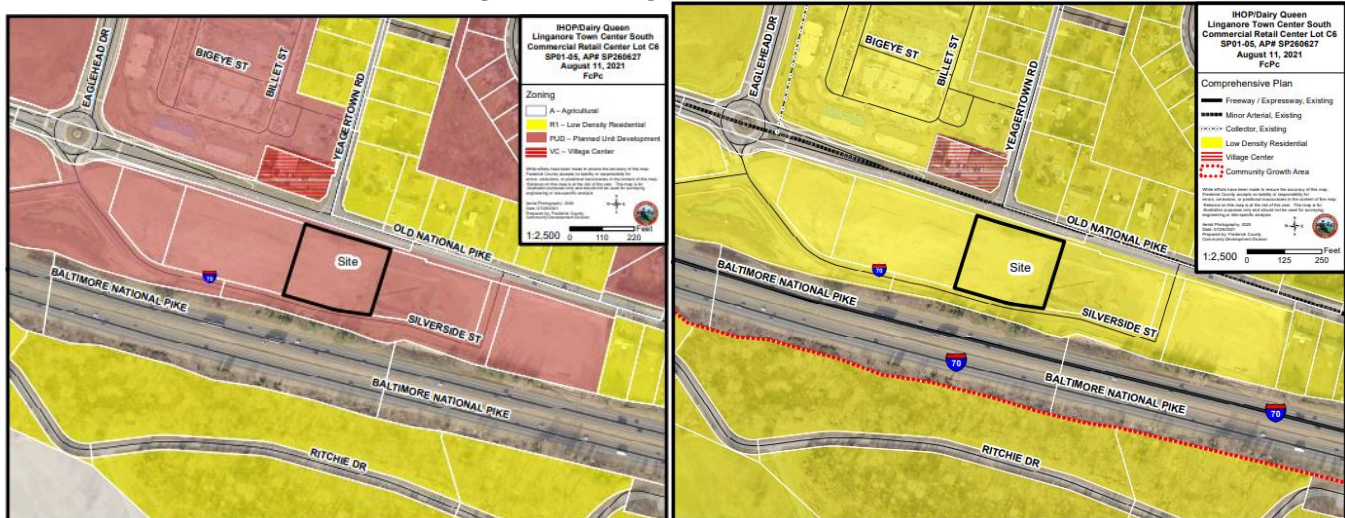


Figure 3 – Zoning / Comprehensive Plan



ANALYSIS

Summary of Development Standards Findings and Conclusions

The primary issues associated with this development are:

- Adequacy of the Site Plan in providing convenient and safe ingress/egress to the Site.
- Demonstrating compliance with site design standards.
- Demonstrating compliance with Maryland Historic National Road Model Design Guidelines.
- Demonstrating compliance with §1-19-10.500.9 General Development Standards within the Planned Development Districts.

Modification Requests:

1. §1-19-6.500(D): The Applicant is requesting a lighting spillover modification to allow for lighting values to exceed 0.5 footcandles at the property line.
2. §1-19-6.500(B)(1): The Applicant is requesting a light height modification to allow light poles to be 18 feet high at the point of illumination, 4 more feet higher than the maximum 14 foot requirement.

Detailed Analysis of Findings and Conclusions

Site Plan Approval shall be granted based upon the criteria found in:

Site Development §1-19-3.300.4 (A): Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.

Findings/Conclusions

Dimensional Requirements/Bulk Standards §1-19-8.500: Within the PUD district, dimensional standards are approved by the Planning Commission per §1-19-10.500.6(H)(2).

1. The setbacks (as detailed on Sheet 1 of the site plan) include the following; 15-foot front yard, 15-foot side yard to adjacent property line/8-foot side yard to internal property line, 15-foot rear yard with a maximum height of 60 feet. The setbacks provided meet or exceed the setbacks shown on the Preliminary Plan, as shown on note 8 of the cover sheet of the site plan.
2. **Signage §1-19-6.300:** The appropriate sign category for this site is "Commercial" (Sign Type 7). The maximum signage allowed for this use is 10 x the square root of the main building frontage (main building frontage is 113' = 150 sq ft maximum size permitted). Signage height must not exceed 25 ft. and signage must be setback ½ the setback. Signage proposed for this site is one free standing monument sign. With the proposed free standing signage (as seen on the site details sheet of the site plan), the Applicant has met all the signage requirements.
3. **Landscaping §1-19-6.400:** The landscape plan contains a variety of plant species, which provide screening and shade for the proposed restaurant. The plan proposes a mix of evergreens, deciduous trees, and shrubs and meets the predominately native species requirement. Parking lot canopy coverage exceeds the 20% required.

The provision for street trees in the proposed development is regulated under Section 1-19-6.400(A)(1) of the Zoning Ordinance and states that the Applicant must provide "One tree, at least 6 feet in height at the time of planting...per 35 feet of [public] roadway frontage."

Street Trees required: **9 trees** [306 feet road frontage / 35 feet = 8.74]
 Street Trees provided: **9 trees**

4. **Lighting §1-19-6.500:** The Applicant has provided a photometric plan documenting proposed lighting levels on the Site, which do exceed 0.5 foot-candles at, or beyond, the property boundaries. Per Section 1-19-6.500(D), lighting shall not exceed 0.5 foot-candles as measured from the property line. The Applicant has proposed light values to exceed 0.5 foot-candles as measured from the property line and a modification request has been submitted to allow for the increased light values at the property line. Per Section 1-19-6.500(B)(2) of the Zoning Ordinance, lighting fixtures in a PUD cannot exceed 14' in height. The Applicant has proposed 18' light poles, as measured from the ground to the point of illumination. A modification request has been submitted to allow the additional light height proposed. This modification request is consistent with the other modifications for 18' light poles that were approved in this same subdivision (Lot C3 and Lot C9).

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

1. **Access/Circulation:** One 24' wide entrance is proposed off of a shared access road called Silverside Street (private road). An interconnection with the adjacent parking lot to the east is also proposed. Loading and unloading is facilitated by two small loading spaces on the south side of the proposed building.
2. **Public Transit:** There is no local bus service for this Site.
3. **Parking:** Pursuant to Section 1-19-6.220 of the Zoning Ordinance for a restaurant 1

parking space is required for each 50 sq ft of gross floor area devoted to customer service, and for a fast food restaurant 1 parking space is required for each 75 sq ft of gross floor area devoted to customer service. This equates to 65 parking spaces required ($3250/50 = 65$) for the restaurant, and 23 parking spaces required for the fast food restaurant ($1725/75 = 23$). The Site Plan proposes 88 total parking spaces, which includes four (4) handicap spaces.

4. **Pedestrian Circulation and Safety §1-19-6.220 (G):** Internal sidewalks are provided within the parking area and surrounding the building. The site plan proposes a sidewalk connection to the adjacent sidewalk along Old National Pike.
5. **Bicycle Parking §1-19-6.220 (H):** Bicycle parking shall be provided as follows in accordance with the Zoning Ordinance:

Required: 5 racks ($1 \text{ rack per } 20 \text{ car spaces} = 91/20 = 4.55$)
Provided: 5 racks

Bicycle racks are located at the front of the building, within 20 feet of the entrance.

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

Findings/Conclusions

1. **Public Water and Sewer:** The Site is to be served by public water and sewer and is currently classified as W-4/S-4 in the Frederick County Water and Sewerage Plan.

Natural features §1-19-3.300.4 (D): *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

Findings/Conclusions

1. **Topography:** The Site is relatively flat, dropping from a high point along the northwestern boundary (527 feet) to a low point at the southeastern corner (518 feet).
2. **Vegetation:** The Site contains grasses and has no other forms of vegetation.
3. **Sensitive Resources:** No streams, wetlands, FEMA floodplain, or steep slopes, are located on the Site.
4. **Natural Hazards:** There are no natural hazards located on site that affect the development proposal.

Common Areas §1-19-3.300.4 (E): *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

Findings/Conclusions

No common areas are required or proposed.

Other Applicable Regulations

Adequate Public Facilities Ordinance (APFO) – Chapter 1-20

This development received APFO approval prior to preliminary plat, (via the Oakdale Linganore DRRA and LOU approved on July 11 2013, and most recently amended on June 12, 2019). This site plan application does not exceed the original density or intensity assumptions confirmed with the approved APFO, and is therefore exempt from further APFO testing at site plan. (§1-20-7(E)). The Amended and Restated LOU will remain valid through July 11, 2038. The Site is anticipated to generate 55AM and 47PM peak hour trips. A total of 288 am and 287 pm trips remain for the remaining buildout of LTC South Commercial.

Development Standards within the Planned Development Districts – Chapter 10.500.9

Findings/Conclusions

A. Site and Building Design:

The Site will be integrated into the surrounding sites that are being developed within the commercial subdivision, which allows access to vehicles, bicycles and pedestrians. The private street (Silverside Street) will provide the main ingress and egress to this site as well as other sites within the subdivision. The exterior façade provides consistent finishes and materials on all sides and continues the theme that was established with previous site development plans that were approved in this subdivision. Parking has been located predominately to the side and rear of the proposed building.

B. Natural Features:

The Site contained no existing tree line or environmental features to be maintained.

C. Public Facilities and Utilities:

The Site will be integrated into the overall PUD's public water, public sewer, utility, and transportation system.

D. Modifications:

The requested modifications are permissible under Article VI: District Regulations.

Stormwater Management – Chapter 1-15.2

Stormwater Management is proposed to be provided via onsite facilities located throughout the Site that and the concept plan was approved on December 19, 2020 (AP – PW260624).

Forest Resource Ordinance (FRO) – Chapter 1-21

Forest Resource Ordinance § 1-21:

This property was previously mitigated under AP 17856 by the purchase of forest banking credits. The property contains no forest and no specimen trees (trees 30" or greater in diameter).

Maryland Historic National Road

This application was reviewed for compliance with the SHA's Maryland Historic National Road Appendix Two: Model Design Guidelines. These guidelines are to be used for development activity (including architectural character) for new construction along the Historic National Road. The model design guidelines provide information on the design of the building siting and orientation, parking, landscaping, signage, etc. in order to help manage the appearance of the Scenic Byway. The Applicant adapted its standard franchise model to incorporate local architectural characteristics including stone work, vertical siding, multi-paned windows, cornices, and gable roofs in order to enhance the appearance of the Byway. The Applicant has followed these guidelines and Staff has no objection to the proposed design.

Summary of Agency Comments

<i>Other Agency or Ordinance Requirements</i>	<i>Comments</i>
<i>Public Works Department:</i>	Approved
<i>Development Review Planning:</i>	Approved
<i>State Highway Administration (SHA):</i>	Approved
<i>Div. of Utilities & Solid Waste Mgmt. (DUSWM):</i>	Approved
<i>Forest Resource (FRO):</i>	Approved
<i>Historic:</i>	Approved
<i>Office of Life Safety:</i>	Approved
<i>Street Naming:</i>	Approved
<i>DPDR Traffic Engineering:</i>	Approved
<i>APFO Review:</i>	Approved

FINDINGS

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, Subdivision, APFO and FRO requirements once the conditions of approval have been met and requested modifications granted.

RECOMMENDATION

Staff has no objection to conditional approval of the Site Plan for IHOP/Dairy Queen. If the Planning Commission conditionally approves the Site Plan, it is valid for a period of three (3) years from the date of Planning Commission approval (valid through August 11, 2024).

Based upon the findings, conclusions, and modifications as presented in the staff report, Staff finds that the application meets or will meet all applicable Zoning, APFO, and FRO requirements once the following modifications are granted and conditions met:

Planning Commission approval of the following modification requests from the Applicant:

1. Approval of a Lighting Spillover Modification Request under §1-19-6.220(D) to allow for lighting values to exceed 0.5 foot-candles at, or beyond, the property boundaries.
2. Approval of the modification of the 14-foot maximum height for light poles in a PUD Zoning district as provided in Section 1-19-6.500 to allow 18-foot tall pole mounted lights.

Staff-proposed conditions of approval:

1. Address all agency comments as the plan proceeds through to completion.
2. Revised preliminary plan associated with this plan must be approved prior to final site plan approval.
3. Final plat associated with this plan must be approved and recorded prior to final site plan approval.

PLANNING COMMISSION ACTION

I move that the Planning Commission **APPROVE** the **Site Plan (SP01-05, AP SP260627) with conditions and modifications** as listed in the staff report for the proposed **IHOP/Dairy Queen**, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

Exhibit 1 – Site Plan Rendering

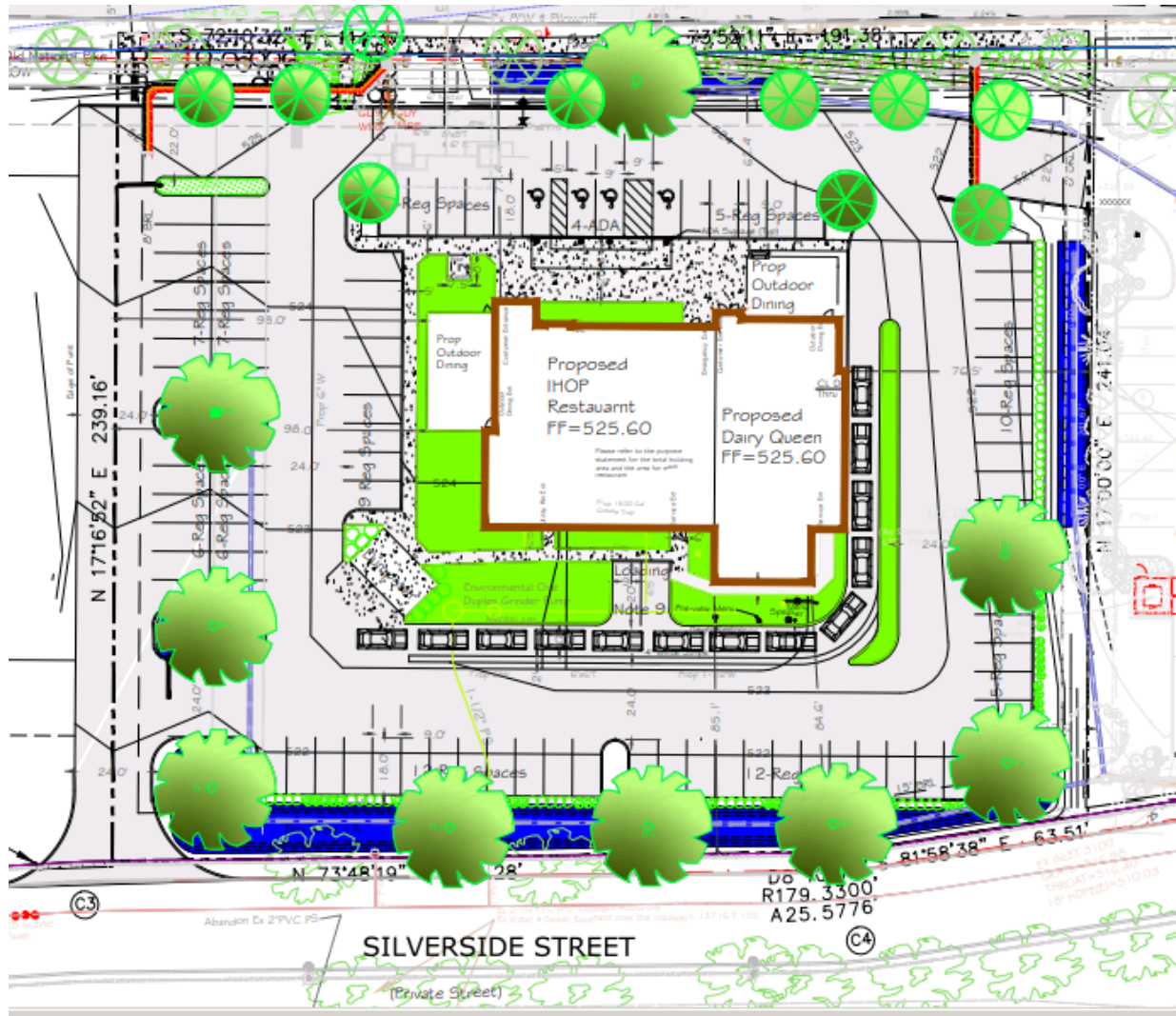


Exhibit 2 – Site Plan Modification Request Letter



300 West Patrick St. • Frederick • Maryland • 21701 • Phone: (301) 668-0505 • Fax: (301) 668-0507

January 06, 2021

Mr. Cody Shaw
Frederick County Development Review
30 N. Market St.
Frederick, MD 21701

Subject: Linganore Town Center – Sith Commercial
Lot C6 – IHOP and DQ
Site Plan No. 01-05 AP 280627
Job No. 20-971

Dear Cody:

On behalf of the applicant, NMS New Market, LLC, the developer of lot C6 located in the south commercial portion of the Linganore Town Center, we are requesting that the Planning Commission re-affirm and approve the previous approved design modifications granted for the Linganore Town Center project and as requested for lot C6. The site plan application for lot C6 will require the following modifications in order to comply with the Planning Commission's past approvals:

1. A modification is requested to Section 1-19-6.500 Lighting (D), which states that 'Lighting shall not exceed .50 foot-candles as measured from the property line.' The approved preliminary plan for the project envisions that a majority of the lots are to have interior connects between the lots. In order to promote safe vehicle and pedestrian movement, this project has reduced the number of entrances along Silver St from four (4) entrance to two (2) entrances. Due to this reduction in entrances, the lots are required to share access aisles, which straddle a common property line. In order to provide any lighting to the access aisles, the applicant requests that the Planning Commission grant a modification to exceed the 0.50 foot-candle requirement.
2. A modification is requested to Section 1-19-6.500(B) Pole Heights. The code requires 14' height to the point of illumination in PUD's which conflicts with the approved light type for the Linganore Town Center project. The point of illumination for the approved light type is 18' and this plan proposes to use the same fixture type consistent with the existing lighting throughout the commercial areas of the PUD in order to maintain the design theme for the district. In addition, please note that the previous approved fixture style and mounting hardware located at the top of the fixture and the pole will exceed 18 feet; however, the point of illumination will meet the 18' requirement.

I have included a copy of the Linganore Town Center design guidelines for your reference. IF you need additional information or have questions concerning the modification requests, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'William J. Brennan, Jr.', is written over a horizontal line.

William J. Brennan, Jr., PE

Enc.